

# **CITY COUNCIL AGENDA**

**FEBRUARY 4, 2003**

## **SYNOPSIS**

LINDA J. LE ZOTTE  
FORREST WILLIAMS  
CINDY CHAVEZ  
CHUCK REED  
NORA CAMPOS

DISTRICT 1  
DISTRICT 2  
DISTRICT 3  
DISTRICT 4  
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER  
TERRY O. GREGORY  
DAVID D. CORTESE  
JUDY CHIRCO  
PAT DANDO, VICE MAYOR

DISTRICT 6  
DISTRICT 7  
DISTRICT 8  
DISTRICT 9  
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Economic and Neighborhood Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Recreation and Cultural Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Aviation Services*** — Provide for the air transportation needs of the community and the region at levels that are acceptable to the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 10 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

1. **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item/s that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
2. When the Council reaches your item on the agenda, Mayor Ron Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
3. Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
4. To assist you in tracking your speaking time, there are three lights located to the far right of the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

**The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.**

Agendas and Staff Reports for City Council items may be viewed on the Internet at [www.ci.san-jose.ca.us/cty\\_clk/agenda.htm](http://www.ci.san-jose.ca.us/cty_clk/agenda.htm)

- **Call to Order and Roll Call**  
9:00 a.m. - Closed Session, Room 600, City Hall  
**Absent Council Members – Yeager, LeZotte (Both excused)**  
  
1:35 p.m. - Regular Session, Council Chambers, City Hall  
**Absent Council Member – Yeager (Excused)**  
  
7:03 p.m. - Public Hearings, Council Chambers, City Hall  
**Absent Council Member - Yeager (Excused)**
- **Invocation (District 2)**  
**Sally Tan sang from the Southside Senior Center, Chinese Singing Group and sang Chinese New Year song and God Bless America accompanied by Grace Lin on keyboard.**
- **Pledge of Allegiance**  
**Mayor Gonzales led the Pledge of Allegiance followed by a moment of silence observed in memory of seven astronauts of the Space Shuttle Columbia.**
- **Orders of the Day**  
**The Orders of the Day were approved.**  
  
**Council Member Chirco introduced 8<sup>th</sup> grade students from Ida Price School who were visiting City Hall and spent a day touring the Public Works Department.**

## **1 CEREMONIAL ITEMS**

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- 1.1** Presentation of plaques to Robert Avery for 1 year 10 months service on the Project Diversity Screening Committee; to Don Gagliardi for 1 year 10 months service on the Project Diversity Screening Committee; to Noel Montoya for 1 year 10 months service on the Project Diversity Screening Committee; to Judy Nissila for 1 year 10 months service on the Project Diversity Screening Committee; and to Everardo Ramirez for 1 year 1 service on the Project Diversity Screening Committee. (Mayor)  
**Mayor Gonzales presented plaques to Robert Avery, Don Gagliardi, Judy Nissila for their years of service on the Project Diversity Screening Committee. Plaques will be sent to Noel Montoya and Everardo Ramirez who were unable to attend.**

## 2 CONSENT CALENDAR

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### 2.1 Approval of Minutes.

None

### 2.2 Final adoption of ordinances.

**Recommendation:** Final adoption of ordinances:

- (a) ORD. NO. 26813 – Amends Section 11.48.100 of Chapter 11.48 of Title 11 of the San José Municipal Code to add the 300 block of Saint John Street to the Arena Residential Permit Parking Area.

**Ordinance No. 26813 adopted.**

- (b) ORD. NO. 26814 – Establishes an Underground Utility District bounded by Interstate 880, Route 87, and Coleman Avenue.

**Ordinance No. 26814 adopted.**

- (c) ORD. NO. 26815 – Rezones certain real property situated at the southwestern corner of Interstate 280 and Northrup Street to A(PD) Planned Development Zoning District. PDC 02-058

**Ordinance No. 26815 adopted.**

- (d) ORD. NO. 26816 - Rezones certain real property situated at the south side of West Virginia Street, approximately 150 feet westerly of South First Street (30 West Virginia Street) from LI – Light Industrial Zoning District to RM – Multi-Family Residential Zoning District. C 02-079

**Ordinance No. 26816 adopted.**

- (e) ORD. NO. 26817 - Rezones certain real property situated on the block bounded by North First, Taylor, Miller, and Asbury Streets. PDC 02-089

**Ordinance No. 26817 adopted.**

- (f) ORD. NO. 26818 - Rezones certain real property situated at the west side of Bascom Avenue, approximately 150 feet southerly of Forest Avenue to CP Pedestrian Commercial Zoning District. C 02-076

**Ordinance No. 26818 adopted.**

- (g) ORD. NO. 26819 - Rezones certain real property situated at the east side of Dow Drive, approximately 250 feet northerly of Farm Drive (3080 Dow Drive) to A(PD) Planned Development Zoning District. PDC 02-100

**Ordinance No. 26819 adopted.**

## **2 CONSENT CALENDAR**

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### **2.3 Approval of City Auditor Gerald Silva's travel calendar.**

**Recommendation:** Approval of City Auditor Gerald Silva's travel calendar through June 30, 2003. Funding: Non-Personal budget. (City Auditor)

**Deferred to 2/11/03.**

### **2.4 Approval of open purchase orders for the purchase of supplies, materials, equipment, and services.**

**Recommendation:** Approval of award of open purchase orders for supplies, materials, equipment and services for FY 2002-2003 #22 and authorization for the Director of General Services to execute the purchase orders. CEQA: Not a Project. (General Services)

**Approved with the open purchase order for catering services deleted.**

### **2.5 Approval of various actions related to the annexation of Franklin No. 50.**

**Recommendation:** Adoption of a resolution initiating proceedings and setting March 4, 2003 at 1:30 p.m. as the date for Council consideration of the reorganization of territory designated as Franklin No. 50 which involves the annexation to the City of San José of 16.25 acres of land, located on the south side of Tully Road approximately 500 feet easterly of 10<sup>th</sup> Street and generally bounded by the City of San José Annexations Monterey park No. 5, Franklin 31, Franklin 4 and Franklin 17 and the detachment of the same from the appropriate special districts including: Central Fire Protection and the County Library Service Area. CEQA: Resolution No. 71359, PDC 02-040. Council District 7. (Planning, Building and Code Enforcement)

**Resolution No. 71399 adopted.**

### **2.6 Approval to reject all bids for the Mabury Service Yard Portable Building.**

**Recommendation:** Approval to reject all bids for the Mabury Service Yard Portable Building due to insufficient funding. CEQA: Exempt, PP01-11-200. Council District 3. (Public Works)

**Approved.**

### **2.7 Acceptance of the San José Arena Authority Ticket Distribution Program Report.**

**Recommendation:** Acceptance of the Fourth Quarter 2002 San José Arena Authority Ticket Distribution program Report. CEQA: Not a Project. (San José Arena Authority)

**Approved.**

## 2 CONSENT CALENDAR

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### 2.8 Approval of an ordinance regarding parking facilities in residential districts.

**Recommendation:** Approval of an ordinance amending Section 20.90.150 of Chapter 20.90 of Title 20 of the San José Municipal Code to clarify the terms under which conditional use permits may be issued for parking facilities in residential districts, and amending Sections 20.10.400 and 20.100.500 of Chapter 20.100 of Title 20 of the San José Municipal Code to allow the Director of Planning, Building, and Code Enforcement to extend the effective term of development permits for an additional period of up to 24 months. CEQA: Exempt, PP03-01-033. (City Attorney's Office)  
(Rules Committee referral 1/29/03)

**Ordinance No. 26820 passed for publication.**

**Staff to review a mechanism of carrying forward development conditions from the original permit to permit extensions.**

## 3 STRATEGIC SUPPORT SERVICES

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### 3.1 Report of the Study Session

**Mayor Gonzales, Chair**

**No Report.**

### 3.2 Report of the Rules Committee – January 22, 2003

**Vice Mayor Dando, Chair**

(a) Redevelopment Agency items reported out at Redevelopment Agency meeting

(b) City Council

(1) Review February 4, 2003 Draft Agenda

**The Committee recommended approval of the February 4, 2003 City Council Agenda with one addition.**

(2) Add New Items to January 28, 2003 Amended Agenda

**The Committee recommended two additions to the January 28, 2003 City Council agenda.**

(c) City Council Committees

**None filed.**

(d) Meeting Schedules

**There were none.**

(e) The Public Record

**The Committee directed the City Attorney to respond to Item (a) on the Public Record, informing Mr. Campbell that monthly status reports on compliance with Measure I as it relates to the Civic Center Project are available in the Attorney's office. The Committee noted and filed the Public Record.**

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.2 Report of the Rules Committee – January 22, 2003 (cont'd)

Vice Mayor Dando, Chair

- (f) Boards, Commissions and Committees  
**There were none.**
- (g) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee.  
**There were none.**
- (h) Administrative Reviews and Approval
  - (1) Approve request from Council Member Nora Campos to use Council General funds to attend League of California Cities Policy Committee Meeting on Housing in Ontario, CA, January 23, 2003  
**The Committee approved the use of Council General funds by Council Member Campos to attend the League of California Cities Policy Committee**
  - (2) Approve requests from Vice Mayor Pat Dando to use Council General funds:
    - (a) To attend League of California Cities Transportation, Communications & Public Works Policy Committee Meeting in Ontario, CA, January 23-27, 2003
    - (b) To attend League of California Cities Board of Directors Meeting in Oakland, CA, February 7-8, 2003  
**The Committee approved the use of Council General funds by Council Member Campos to attend the League of California Cities Policy Committee Meeting on Housing in Ontario, CA January 23, 2003.**
- (h) Oral communications  
**In regard to the current State budget crisis, Member Forrest Williams requested information on a place where State legislative activities, of special concern to the City, could be noticed. Chair Dando replied that the City's Sacramento Lobbyist, Roxanne Miller, and the City's Director of Intergovernmental Relations, Betsy Shotwell, will notify the Mayor and/or Council Members when it is necessary to testify in Sacramento. Member Cortese added that the Peninsula Division of the Cities Association has "strike teams" of people on call to go to Sacramento in the event something happens in a short time frame. Chair Dando stated that the City is positioned on several levels: Lobbyist Roxanne Miller, the Cities Association Strike Teams, and the League of California Cities Grass Roots effort are all poised to testify on the City's behalf; effort will be needed to coordinate all**

### **3 STRATEGIC SUPPORT SERVICES**

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#### **3.2 Report of the Rules Committee – January 22, 2003 (cont'd)**

**Vice Mayor Dando, Chair**

(h) Oral communications (cont'd)

**the groups to send the same message to Sacramento. Assistant City Manager Mark Linder noted that, starting February 5<sup>th</sup>, there will be a standing item on the Rules Committee agenda to alert Council to urgent legislative activity in Sacramento which might demand their action or presence.**

(i) Adjournment

**Meeting adjourned at 2:15 p.m.**

**Rules Committee Report and Actions of January 22, 2003 accepted.**

#### **3.3 Report of the Making Government Work Better Committee**

**Council Member Campos, Chair**

**No Report.**

#### **3.4 Approval to amend the Administrative Citation Schedule of Fines.**

**Recommendation:** Adoption of a resolution amending the Administrative Citation Schedule of Fines, setting the amount of fines related to the Limitation on Hours of Construction in City Streets, San José Municipal Code Chapter 11.14. CEQA: Not a Project. (Public Works)

**Resolution No. 71400 adopted.**

#### **3.5 Vietnamese Cultural Heritage Gardens – Operations and Maintenance Agreement.**

**Recommendation:** Approval of a first amendment to the Design, Development, Operation, and Maintenance Agreement with the Vietnamese Cultural Heritage Foundation for the construction of the Vietnamese Cultural Heritage Gardens in Kelley Park allowing the Director of Public Works to waive performance and workmanship bond requirements if alternative financial security, acceptable to the Director, is provided. (Reed)

(Deferred from 12/3/02 – Item 3.8 et al., and 1/28/03 – Item 3.4)

**Approved.**

### **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

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#### **4.1 Report of the Building Strong Neighborhoods Committee**

**Council Member Chavez, Chair**

**No Report.**

#### **4.2 Report of the Driving a Strong Economy Committee**

**Council Member Williams, Chair**

**No Report.**



## **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

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### **4.3 Approval of an ordinance relating to street trees.**

**Recommendation:** Approval of an ordinance amending Chapter 13.28 of Title 13 of the San José Municipal Code to allow licensed contractors to trim, prune, or cut street trees and to allow residents to trim, cut, or prune street trees in emergency situations without the necessity of obtaining a permit and imposing certain notification obligations on a selling or transferring property owner to the purchaser or transferee regarding the condition and existence of street trees on the residential property, to be effective July 1, 2003. (Transportation)

[Economic Development & Environment Committee referral 12/2/02 – Item 4.1(e)]  
(Deferred from 12/17/02 – Item 4.8 and 1/21/03 – Item 4.2)

**Ordinance No. 26821 passed for publication.**

**Council Member Cortese' memorandum dated 1/30/03, recommending approval of the Staff recommendation and the proposed ordinance, and directing Staff to provide a work plan for implementation of a citywide Street Tree Mapping Program and report to Rules Committee on the possibility of establishing a Tree Commission by 5/6/03, and Staff requested to consider the following additional issues raised by Council Members and constituents: explore neighborhood resources in building the database, consider processes to educate residents on requirements of the ordinance, provide a choice of trees appropriate to a given site, and address damage to park strip trees by garbage trucks.**

### **4.4 Approval of various actions related to the purchase of land for the Alum Rock Library Branch Facility Acquisition Project.**

**Recommendation:** Adoption of a resolution:

- (a) Approving an agreement with José and Socorro Torres for the purchase of land located at 21-35 South White Road, in the amount of \$1,414,000;
- (b) Authorizing the Director of Public Works to enter into an agreement resolving relocation claims arising from this transaction for an amount not to exceed \$206,000; and
- (c) Authorizing the Director of Public Works to execute all documents necessary to complete these transactions.

CEQA: Exempt, PP03-01-004. Council District 5. SNI: East Valley/680 Community. (Public Works)

**Resolution No. 71401 adopted.**

## **5 RECREATION & CULTURAL SERVICES**

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### **5.1 Report of the All Children Achieve Committee Council Member Yeager, Chair**

**No report.**

## **5 RECREATION & CULTURAL SERVICES**

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### **5.2 Approval to award a contract for the Southside Community Center Renovations Project (Phase II).**

**Recommendation:**

- (a) Report on bids and award of contract for the Southside Community Center Phase II Renovations Project to the lowest responsive bidder, D.L. Falk Construction, Inc., in the amount of \$500,355, and approval of a contingency in the amount of \$50,000.

**Approved.**

- (b) Adoption of the following appropriation ordinance amendments in the Parks and Recreation Bond Projects Fund:

- (1) Increase the Southside Community Center - Multi-Service/Senior Center Project by \$30,000.  
(2) Decrease the Ending Fund Balance by \$30,000.

CEQA: Exempt, PP02-06-175. Council District 2. (Public Works/City Manager's Office)

(Rules Committee referral 1/29/03)

**Ordinance No. 26822 adopted.**

## **6 TRANSPORTATION SERVICES**

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### **6.1 Report of the Building Better Transportation Committee Council Member Cortese, Chair**

**No report.**

### **6.2 Approval to reject all bids for the Smart Intersections Program Communications System 2002 (Phase 1, Package B Project).**

**Recommendation:** Report on bids and approval to reject all bids for the Smart Intersections Program Communications System Constructions 2002 Phase 1, Package B Project. CEQA: Exempt, PP 02-04-092. SNI: Tully/Senter. (Public Works)  
(Deferred from 12/17/02 – Item 6.1 et al., and 1/28/03 – Item 6.2)

**Rejection of all bids approved. Staff directed to explore a system for monitoring contractors who have not paid prevailing or living wages before recommendation for contract awards come forward, and report back with recommendations on enforcement regulations.**

## **7 ENVIRONMENTAL & UTILITY SERVICES**

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- 7.1 Public Hearing and approval of Commercial Solid Waste and Recyclables Collection Franchise and agreement with Environmental Resource Recovery dba Valley Recycling.**

**Recommendation:** PUBLIC HEARING on the Commercial Solid Waste and Recyclables Collection Franchise application of Environmental Resource Recovery dba Valley Recycling, approval of ordinance granting the franchise, and approval of Commercial Solid Waste and Recyclables Collection Franchise agreement with Environmental Resource Recovery dba Valley Recycling. (Environmental Services)

**Ordinance No. 26823 passed for publication, and the Commercial Solid Waste and Recyclables Collection Franchise agreement approved.**

## **8 AVIATION SERVICES**

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## **9 PUBLIC SAFETY SERVICES**

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## **10 JOINT COUNCIL/REDEVELOPMENT AGENCY**

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**THE REDEVELOPMENT AGENCY BOARD CONVENED AT 3:00 P.M. TO CONSIDER ITEM 10.1 IN A JOINT SESSION.**

- 10.1 Approval of a City and Redevelopment Agency budget strategy.**

**Recommendation:** Discussion and approval of a budget strategy to address the City and Redevelopment Agency budgets. (Mayor)

(Rules Committee referral 1/29/03)

**Council approved the Mayor's Proposed Budget Strategy, dated January 31, 2003, with Council Members comments on the issues of incorporating the City's competition policy; preserving the City's credit rating; maintaining project deadlines whenever possible; enlisting neighborhood groups to run clean-up days; encouraging energy conservation; analyzing redundancies between the City and Agency, exploring ways to maximize marketing funds; considering how performance measures can be utilized; and reviewing below-market leases and non-cost recovery fees as potential revenue sources, forgiving permitting fees to encourage new projects, offering retirement incentives to employees, and Staff requested to provide a trajectory comparing General Fund encumbered projects with the revised recommendations, and cost increase projections from capital projects.**

**THE REDEVELOPMENT AGENCY BOARD PORTION OF THE MEETING ADJOURNED AT 4:40 P.M.**

- Closed Session Report
- Notice of City Engineer's Pending Decision on Final Maps  
In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:  
**None.**

In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:  
**None.**

- Open Forum—Heard jointly with Redevelopment Agency Public Discussion. Following Open Forum, Council recessed to 7:00 p.m.  
**Ross Signorino spoke on the press coverage of City budget.**

## 11 PUBLIC HEARINGS

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(Heard by the City Council at 7:00 p.m.)

### 11.1 Public Hearing on planned development rezoning of the property located at N. First and E. Julian Streets.

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the northeast corner of N. First and E. Julian Streets, from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District, to allow up to 40 single-family attached dwelling units on 0.60 gross acre. (City of San José Redevelopment Agency, Owner/Regis Homes of Northern California, Developer). CEQA: Resolution No. 68839. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

PDC 02-077 - District 3

(Continued from 12/17/02 – Item 11.10)

**Continued to 3/4/03.**

### 11.2 Public Hearing on planned development rezoning of the property located at Woodard Road and Starview Drive.

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the south side of Woodard Road approximately 150 feet easterly of Starview Drive, from R-1-8 Residence Zoning District to A(PD) Planned Development Zoning District, to allow up to 5 single-family detached residential units on a 0.63 gross acre site. (FMA Development, LLC, Owner/Developer). CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

PDC 02-068 - District 9

**Ordinance No. 26824 passed for publication.**

**Staff directed to ensure that no ordinance size trees are removed until the building permits have been issued.**

### 11.3 Public Hearing on conforming prezoning of the property located at Tully Road and 10<sup>th</sup> Street.

**Recommendation:** PUBLIC HEARING ON CONFORMING PREZONING of the property located on the southern side of Tully Road, approximately 500 feet easterly of 10<sup>th</sup> Street, from County to CN Neighborhood Commercial Zoning District, to allow commercial uses on 3.86 gross acres. (County of Santa Clara, Owner/Developer). CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

C 02-099 - District 7

**Ordinance No. 26825 passed for publication.**

## 11 PUBLIC HEARINGS

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### 11.4 Public Hearing on planned development rezoning of the property located at 10671 Story Lane.

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the south side of Story Lane at the intersection of Schramm Way (10671 Story Lane), from A-Agriculture District to A(PD) Planned Development Zoning District, to allow construction of 2 single-family residences on a 0.62 gross acre site. (Sky River Investments Mike Miroyan, Owner). CEQA: Negative Declaration.

PDC 02-020 - District 5

**Continued to 3/4/03**

### 11.5 Public Hearing on planned development rezoning of the property located at 2535 Custer Drive.

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the southwest corner of Custer Drive and Curtner Avenue (2535 Custer Drive), from R-1-8 Residence Zoning District to A(PD) Planned Development Zoning District, to allow up to 5 single-family detached residences and 1 existing single-family detached residence on a 0.95 gross acre site. (McNiff Daniel P et al., McNiff Sean A, Owner; Demattei & Cullen Development, LLC, Developer). CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

PDC 02-034 - District 9

**Ordinance No. 26826 passed for publication.**

**Staff directed to ensure that no ordinance size trees are removed until the building permits have been issued.**

### 11.6 Public Hearing on conforming rezoning of the property located at Kinney Drive and North 7<sup>th</sup> Street.

**Recommendation:** PUBLIC HEARING ON CONFORMING REZONING of the property located at the north side of Kinney Drive, approximately 220 feet westerly of North 7<sup>th</sup> Street, from IP Industrial Park Zoning District to LI Light Industrial Zoning District, to allow light industrial uses on 0.23 gross acre. (Michele C. Lewis Trust, Owner/Developer). CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

C 02-094 - District 3

**Ordinance No. 26827 passed for publication.**

### ● Open Forum

**Danny Garza spoke on criminal activity around the Plata Arroyo Plaza; the Mayor requested the City Manager follow-up on the public safety issue.**

- **Adjournment**

**The Council of the City of San José adjourned in memory of Merlin Winsford Wheatley, World War II Veteran and retired San José Police Lieutenant, who dedicated over 30 years of his life to public service, and also in memory of the crew of the Space Shuttle Columbia astronauts, Rick D. Husband, Kalpana Chawla, William C. McCool, Michael P. Anderson, David M. Brown, Laurel Clark, and Ilan Ramon.**

**The Council of the City of San José adjourned at 7:08 p.m.**